

39. (New) The method of claim 37, wherein said ratio is up to 1/3.

✓40. (Amended) The method of [any one of claims] claim 37, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

✓41. (Amended) The method of [any one of claims] claim 38, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

✓42. (Amended) The method of [any one of claims] claim 39, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

✓43. (New) The method of claim 40, wherein the beverage syrup contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, or sucralose.

#### REMARKS

Applicants respectfully request that the Examiner consider this Amendment prior to examination of this application.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 

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42. (Amended) The method of claim 39, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

Please add new claims 44-91:

✓ -- 44. The beverage according to claim 1, wherein the freezing point depressant comprises a sugar MNS selected from at least one of propylene glycol, glycerol, and sorbitol.

✓ 45. The beverage according to claim 44, wherein the freezing point depressant comprises a sugar MNS selected from at least two of propylene glycol, glycerol, and sorbitol.

✓ 46. The beverage according to claim 44, wherein the freezing point depressant comprises a sugar MNS including propylene glycol, glycerol, and sorbitol.

32 ✓ 47. The beverage according to claim 44, wherein the beverage syrup contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

48. The beverage according to claim 47, wherein the high-potency non-caloric sweetener includes sucralose.

✓ 49. The beverage according to claim 45, wherein the beverage syrup contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

✓ 50. The beverage according to claim 49, wherein the high-potency non-caloric sweetener includes sucralose.

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✓ 51. The beverage according to claim 46, wherein the beverage syrup contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

✓ 52. The beverage according to claim 51, wherein the high-potency non-caloric sweetener includes sucralose.

✓ 53. A method of depressing the freezing point of a reduced calorie beverage syrup comprising:

preparing a reduced caloric beverage syrup by replacing up to one third of a high-potency non-caloric sweetener with a freezing point depressant selected from at least one of propylene glycol, glycerol and sorbitol.

✓ 54. The method according to claim 53, wherein the high-potency non-caloric sweetener include sucralose.

✓ 55. The beverage according to claim 13, wherein the low caloric sugar is selected from at least one of propylene glycol, glycerol, and sorbitol.

✓ 56. The beverage according to claim 55, wherein the low caloric sugar is selected from at least two of propylene glycol, glycerol, and sorbitol.

✓ 57. The beverage according to claim 55, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

✓ 58. The beverage according to claim 55, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

✓ 59. The beverage according to claim 58, wherein the high-potency non-caloric sweetener includes sucralose.

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✓ 60. The beverage according to claim 56, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

✓ 61. The beverage according to claim 60, wherein the high-potency non-caloric sweetener includes sucralose.

✓ 62. The beverage according to claim 57, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

✓ 63. The beverage according to claim 62, wherein the high-potency non-caloric sweetener includes sucralose.

✓ 64. The beverage according to claim 21, wherein the low caloric sugar is selected from at least one of propylene glycol, glycerol, and sorbitol.

62 ✓ 65. The beverage according to claim 64, wherein the low caloric sugar is selected from at least two of propylene glycol, glycerol, and sorbitol.

✓ 66. The beverage according to claim 64, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

✓ 67. The beverage according to claim 64, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

68. The beverage according to claim 67, wherein the high-potency non-caloric sweetener includes sucralose.

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✓ 69. The beverage according to claim 65, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

70. The beverage according to claim 69, wherein the high-potency non-caloric sweetener includes sucralose.

✓ 71. The beverage according to claim 66, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

72. The beverage according to claim 71, wherein the high-potency non-caloric sweetener includes sucralose.

B2 ✓ 73. The beverage according to claim 29, wherein the low caloric sugar is selected from at least one of propylene glycol, glycerol, and sorbitol.

✓ 74. The beverage according to claim 73, wherein the low caloric sugar is selected from at least two of propylene glycol, glycerol, and sorbitol.

75. The beverage according to claim 73, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

✓ 76. The beverage according to claim 73, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

77. The beverage according to claim 76, wherein the high-potency non-caloric sweetener includes sucralose.

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78. The beverage according to claim 74, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

79. The beverage according to claim 78, wherein the high-potency non-caloric sweetener includes sucralose.

80. The beverage according to claim 75, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

81. The beverage according to claim 80, wherein the high-potency non-caloric sweetener includes sucralose.

B2 ✓ 82. The beverage according to claim 37, wherein the low caloric sugar is selected from at least one of propylene glycol, glycerol, and sorbitol.

✓ 83. The beverage according to claim 82, wherein the low caloric sugar is selected from at least two of propylene glycol, glycerol, and sorbitol.

✓ 84. The beverage according to claim 82, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

✓ 85. The beverage according to claim 82, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

86. The beverage according to claim 85, wherein the high-potency non-caloric sweetener includes sucralose.

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✓ 87. The beverage according to claim 83, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

88. The beverage according to claim 87, wherein the high-potency non-caloric sweetener includes sucralose.

89. The beverage according to claim 84, wherein the beverage contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

90. The beverage according to claim 89, wherein the high-potency non-caloric sweetener includes sucralose.

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91. A reduced calorie frozen beverage comprising:

propylene glycol;

glycerol;

sorbitol; and

sucralose. --

#### REMARKS

Support for these claims can be found in the specification at, for example, page 11. Applicants respectfully request that the Examiner consider this Amendment prior to examination of this application.

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